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## DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Syllabi prepared by M. P. Burks, State Reporter.)

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BROCK'S ADM'R v. BROCK.—Decided at Staunton, October 3, 1895.

1. EVIDENCE—*Declarations of assignor after assignment.* Declarations of an assignor, made after assignment, are not admissible in evidence against his assignee.

2. EVIDENCE—*Competency of witness—competent upon all questions.* In an action by an administrator against a distributee of an estate, where other distributees, having an interest adverse to the defendant, have been allowed to testify on behalf of the plaintiff, the defendant is rendered competent, under sec. 3346 of the Code, to testify in his own behalf upon all questions pertinent to the issue.

3. EVIDENCE—*Advancement—similar advancements to other children.* Where the issue is whether a bond was delivered by a parent to a child by way of advancement it is competent for the child to prove similar advancements by the parent to the other children.

4. NEW TRIAL—*Case at bar.* Under the evidence in this case the court below properly refused to set aside the verdict of the jury as being contrary to the law and the evidence.

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ROBINETT'S ADM'R v. ROBINETT'S HEIRS.—Decided at Staunton, September 19, 1895.—Cardwell, J.:

1. ADMINISTRATORS—*Ex parte accounts—bill to surcharge and falsify.* Upon a bill filed to surcharge and falsify the *ex parte* accounts of an administrator, which have been duly confirmed by the County County, the *ex parte* accounts should be treated as correct and conclusive as to all matters included therein, except so far as shown by evidence to be incorrect.

2. CHANCERY PRACTICE—*Commissioner's report—exception.* Exceptions to the report of a commissioner, of accounts settled by him, should specify with reasonable certainty the grounds of the exception. But an exception which points out the particulars in which the commissioner has failed to obey the order under which he is acting, or which shows wherein the account is settled on a wrong principle, is sufficiently specific.

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BARTON'S EX'OR v. RIDGEWAY'S ADM'R AND OTHERS.—Decided at Staunton, October 3, 1895.—Cardwell, J.:

1. COMMISSIONER OF COURT—*Loss of funds—good faith.* A commissioner who has acted in good faith, in the exercise of a fair discretion, and has not violated the orders of the court by which he was appointed, is not liable for the loss of funds placed in his hands.

2. COMMISSIONER OF COURT—*Loss of funds—case at bar.* A commissioner was appointed in November, 1861, to collect money and report it to the court at its